

word "county," in line 25, and insert the following: "And to make such recommendation to the State Board of Education as such convention may consider for the best interest of the public school system."

Senator Lightfoot offered to amend Senator Buchanan's amendment as follows: Amend by inserting after the figures 25 the words "down to the word 'be,'" in line 28. Accepted, and amendment, as amended, adopted and made part of the bill.

Seventh committee amendment adopted.

Eighth committee amendment adopted.

Ninth committee amendment adopted.

Tenth committee amendment adopted.

Eleventh committee amendment adopted.

Twelfth committee amendment adopted.

Senator Cooper offered the following amendment to thirteenth committee amendment: Amend by striking out all after the word "judge," in line 9, page 11, down to and including line 13.

Senator Stewart moved a call of the Senate. Call sustained.

Roll called; absent, Senator Buchanan of Grimes.

Senator Gooch moved to suspend the call. Adopted.

The amendment of Senator Cooper was adopted, by the following vote:

YEAS—14.

Buchanan of Wood,	Hightower,	Shannon,
Burges,	Lair,	Stubbs,
Burton,	Lightfoot,	Weatherred,
Cooper,	Martin of Navarro,	Wynne.
Henderson,	Powers,	

NAYS—7.

Davenport,	Ross,	Swain,
Gooch,	Stewart,	Terrell.
Rainey,		

NOT VOTING—2.

Buchanan of Grimes Patton.

Senator Buchanan of Wood moved to amend by striking out article 3752. Adopted.

Senator Gooch, chairman of free conference committee, on the part of the Senate to consider the differences between the two houses on substitute for Senate bills Nos. 30 and 70, submitted the following report:

COMMITTEE ROOM,
AUSTIN, March 26, 1881.

Hon. L. J. Storey, President of the Senate:

Your free conference committee, to whom was referred the differences between the Senate and the House on substitute for Senate bills Nos. 30 and 70, entitled "An act to establish the Twelfth, Seventeenth, Twentieth and Thirty-third Judicial Districts, and to prescribe times of holding courts in said districts, and in the Thirtieth District; to provide for the appointment of a district attorney in the Twentieth and a district judge in the Thirty-third Judicial District, and to provide for holding terms of the district court in certain counties now unorganized," have had the same under consideration, and have agreed to recommend and do recommend:

1. That the Senate agree to the House amendment to section 11.
2. That section 5 be amended so that the courts in Mitchell county shall be held on the fourth Mondays after the first Mondays in the months named, instead of after the third Mondays.

Respectfully submitted,

J. YOUNG GOOCH, Chairman,
J. H. DAVENPORT,
W. R. SHANNON,
Senate Committee.
C. K. STRIBBLING, Chairman,
B. B. PADDOCK,
House Committee.

The fourteenth committee amendment to Senate bill No. 288 pending, on motion of Senator Stewart, the Senate adjourned till 9:30 A. M., Monday next.

SIXTY-FIFTH DAY.

SENATE CHAMBER,
AUSTIN, March 28, 1881. }

Senate met pursuant to adjournment.

The President in the chair.

Roll called; quorum present.

Prayer by Rev. Dr. Pope, of Houston.

On motion of Senator Burges, the reading of the journal of Saturday was dispensed with, and the same adopted.

On motion of Senator Davenport, Capt. C. M. Boynton, Second Assistant Secretary, was excused indefinitely, on account of sickness, and F. M. McCaleb appointed to act in his lead.

Senator Powers, chairman of Committee on Claims and Accounts, submitted the following report:

COMMITTEE ROOM,
AUSTIN, March 26, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Claims and Accounts, to whom was referred Senate bill No. 297, entitled "An act making an appropriation for the payment of amount due by the State for certain furniture in the executive mansion," have considered the same and a majority of the committee instruct me to report it back and recommend that it do not pass, for the reason, aside from any question of merit, that it appears to be a bill for private relief, and it does not appear that notice of the intention to apply for the passage of the bill has been published as required by the Constitution.

POWERS, Chairman.

Senator Stubbs submitted the following minority report:

The undersigned member of the committee dissents from the majority report, as he does not believe that a bill such as this is, making an appropriation to pay a deficiency incurred in furnishing a building owned by the State, is such a special law as the Constitution contemplates shall be advertised as a condition precedent to its passage.

STUBBS, in minority.

Bill read first time.

Senator Stubbs, for Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,
AUSTIN, March 28, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Engrossed Bills, have carefully examined and compared Senate bill No. 224, "An act to amend title 84 of the Revised Civil Statutes of the State of Texas, by adding articles 1065a and 1065b, and to amend articles 1689 and 1702 of the election laws of the State of Texas, and to provide for creating election precincts in unorganized counties."

No. 296, "An act to legalize and validate the ordinances of cities and towns, where said ordinances impose a penalty for their violation and have not been published in the official journal, as required by law, and to give force and effect to the same."

Also, Senate bill No. 298, "An act to ascertain what, if any, unpaid balance of salary is due Hon. Gustave Cook, Judge of the Criminal District Court of Galveston and Harris counties, and making an appropriation therefor."

STUBBS, for Committee.

Senator Powers, to supply an omission in the journals of Saturday, moved to have a free conference committee appointed on Senate bill No. 35. Adopted; and the President appointed on said committee Senators Martin of Navarro, Moore and Powers.

Senator Powers, for committee on free conference, submitted the following report:

(Report withdrawn for correction.)

The President, after reading their captions, signed the following bills:

Senate bill No. 189, "An act to amend chapter 5, title 22 of the Revised Civil Statutes of the State of Texas, adopted at the regular session of the Sixteenth Legislature, by adding article 694a."

Senate bill No. 256, "An act for the relief of Wm. M. Harrison and L. A. Ellis."

Senate bill No. 222, "An act to establish the Thirty-sixth Judicial District, and to provide for the appointment of a district judge and district attorney therein, and to conform the Twenty-second and Twenty-fourth Judicial Districts thereto."

Senator Lair, for Committee on Private Land Claims, submitted the following report:

COMMITTEE ROOM,
AUSTIN, March 26, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Private Land Claims, to whom was referred House bill No. 533, "An act for the relief of C. C. Gibbs," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

LAIR, for Committee.

Senator Cooper, chairman of Committee on Enrolled Bills, submitted the following reports:

COMMITTEE ROOM,
AUSTIN, March 28, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 256, "An act for the relief of W. M. Harrison and L. A. Ellis," and find the same correctly enrolled and properly signed, and at 10 o'clock A. M., on this day, presented the same to the Governor for his signature.

COOPER, Chairman.

COMMITTEE ROOM,
AUSTIN, March 28, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 189, "An act to amend chapter 5, title 22, of the Revised Civil Statutes of Texas, relating to county seats, by adding another article, to be known as article 694a," and find same correctly enrolled and properly signed, and at 10 o'clock A. M., on this day, presented the same to the Governor for his signature.

COOPER, Chairman.

COMMITTEE ROOM,
AUSTIN, March 28, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 222, "An act to establish the Thirty-sixth Judicial District, and to provide for the appointment of a district judge and district attorney therein, and to conform the Twenty-second and Twenty-fourth Judicial Districts thereto," and find the same correctly enrolled and properly signed, and at 10 o'clock A. M., on this day, presented the same to the Governor for his signature.

COOPER, Chairman.

Senator Houston moved to take up House bill No. 533, entitled "An act for the relief of C. C. Gibbs." Unanimously adopted, and bill taken up.

Senator Houston moved to suspend the constitutional rule and put the bill on its second reading. Adopted by the following vote:

YEAS—22.

Buchanan of Wood,	Houston,	Powers,
Burges,	Lair,	Rainey,
Burton,	Lightfoot,	Shannon,
Cooper,	Martin of Cooke,	Stewart,
Davenport,	Martin of Navarro,	Stubbs,
Gooch,	Moore,	Weatherred,
Henderson,	Patton,	Wynne.
Hightower,		

NAYS—none.

NOT VOTING—4.

Buchanan of Grimes	Swain,	Terrell.
Ross,		

Bill read second time and passed to a third reading.

Senator Houston moved to suspend the constitutional rule and put the bill on its third reading. Adopted by the following vote:

YEAS—23.

Buchanan of Wood,	Houston,	Rainey,
Burges,	Lair,	Shannon,
Burton,	Lightfoot,	Stewart,
Cooper,	Martin of Cooke,	Stubbs,
Davenport,	Martin of Navarro,	Terrell,
Gooch,	Moore,	Weatherred,
Henderson,	Patton,	Wynne.
Hightower,	Powers,	

NAYS—none.

NOT VOTING—3.

Buchanan of Grimes	Ross,	Swain.
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Bill read third time and passed by the following vote:

YEAS—25.

Buchanan of Wood,	Houston,	Rainey,
Burges,	Lair,	Shannon,
Burton,	Lightfoot,	Stewart,
Cooper,	Martin of Cooke,	Stubbs,
Davenport,	Martin of Navarro,	Swain,
Gooch,	Moore,	Terrell,
Henderson,	Patton,	Weatherred,
Hightower,	Powers,	Wynne.

NAYS—none.

NOT VOTING.

Buchanan of Grimes,	Ross,
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Senator Shannon moved to take up Senate bill No. 224, entitled "An act to amend title 34 of the Revised Civil Statutes of the State of Texas, by adding articles 1665a and 1665b, and to amend articles 1689 and 1702 of the election laws of the State of Texas, and to provide for creating election precincts in unorganized counties." Unanimously adopted.

Bill taken up, read third time and passed.

Senator Davenport moved to take up the report of the free conference committee on substitute for Senate bills Nos. 30 and 70, entitled "An act to establish the Twelfth, Seventeenth, Twentieth and Thirty-third Judicial Districts, and to prescribe times of holding courts in said districts, and in the Thirtieth District, and to provide for the appointment of a district attorney in the Twentieth and a district judge in the Thirty-third Judicial District," etc. Adopted, and report taken up, and on motion of Senator Davenport the same was adopted.

On motion of Senator Wynne, Senator Hightower was indefinitely excused after Thursday next. Adopted.

Senator Stewart moved to take up Senate bill No. 291, entitled, "An act to ascertain what, if any, unpaid balance of salary is due Hon. Gustave Cook, Judge of the Criminal District Court of Galveston and Harris counties, and making an appropriation therefor." Unanimously adopted, and bill taken up, read third time and passed by the following vote:

YEAS—24.

Buchanan of Wood,	Houston,	Rainey,
Burges,	Lair,	Ross,
Burton,	Lightfoot,	Shannon,
Cooper,	Martin of Cooke,	Stewart,
Davenport,	Martin of Navarro,	Stubbs,
Gooch,	Moore,	Swain,
Henderson,	Patton,	Weatherred,
Hightower,	Powers,	Wynne.

NAYS—none.

NOT VOTING—2.

Buchanan of Grimes,	Terrell.
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Senator Martin of Cooke moved to take up Senate bill No. 296, entitled "An act to legalize and validate the ordinances of cities and towns where said ordinances impose a penalty for their violation, and have not been published in the official journal, as required by law to give force and effect to the same." Unanimously adopted, and bill taken up, read third time passed by the following vote:

YEAS—23.

Buchanan of Wood,	Houston,	Rainey,
Burges,	Lair,	Ross,
Burton,	Lightfoot,	Shannon,
Cooper,	Martin of Cooke,	Stubbs,
Davenport,	Martin of Navarro,	Swain,
Gooch,	Moore,	Weatherred,
Henderson,	Patton,	Wynne.
Hightower,	Powers,	

NAYS—none.

NOT VOTING—3.

Buchanan of Grimes, Stewart, Terrell.

Senator Wynne moved to take up Senate bill No. 26½, entitled "An act declaring the amounts due by certain railroad companies for loans from the common school fund, and to provide for the collection of the same, and making an appropriation therefor." Unanimously adopted, and the bill taken up and read second time.

Senator Davenport moved to postpone the bill until tomorrow, and that one hundred copies of the same be printed. Adopted.

Senate bill No. 194, entitled "An act to prohibit and punish smoking and the use of fire on vessels and in warehouses where cotton is handled, loaded or stored," was taken up as regular business on the President's table, read third time, and passed by the following vote:

YEAS—16.

Burges,	Moore,	Shannon,
Davenport,	Patton,	Stewart,
Henderson,	Powers,	Stubbs,
Hightower,	Rainey,	Terrell,
Lair,	Ross,	Wynne.
Lightfoot,		

NAYS—7.

Buchanan of Grimes	Gooch,	Swain,
Buchanan of Wood,	Houston,	Weatherred.
Cooper,		

NOT VOTING—3.

Burton, Martin of Cooke, Martin of Navarro.

On motion of Senator Martin of Navarro, Senator Lane was indefinitely excused.

Senator Burges moved to call up Senate bill No. 170, entitled "An act to amend an act entitled 'landlord and tenant,' adopted February 21, 1879." Unanimously adopted, and the bill taken up.

Senator Hightower offered the following amendment: Amend the caption by inserting after the word "of," "article 3112 of title 58 of." Adopted by the following vote:

YEAS—23.

Buchanan of Grimes	Lightfoot,	Shannon.
Buchanan of Wood,	Martin, of Cooke,	Stewart,
Burges,	Martin of Navarro,	Stubbs,
Burton,	Moore,	Swain,
Cooper,	Patton,	Terrell,
Davenport,	Powers,	Weatherred,
Hightower,	Rainey,	Wynne.
Lair,	Ross,	

NAYS—none.

NOT VOTING—3.

Gooch, Henderson, Houston,

Senator Wynne offered the following amendment: Insert after the word "situated," in line 18, the words "or in which the property upon which a lien for rents or advances subsists may be found." Adopted by the following vote:

YEAS—24.

Buchanan of Grimes	Houston,	Ross,
Buchanan of Wood,	Lair,	Shannon,
Burges,	Lightfoot,	Stewart,
Burton,	Martin of Cooke,	Stubbs,
Cooper,	Martin of Navarro,	Swain,
Davenport,	Moore,	Terrell,
Gooch,	Powers,	Weatherred,
Henderson,	Rainey,	Wynne.
Hightower,		

NAYS—none.

NOT VOTING.

Patton.

Senator Hightower offered the following amendment: Amend by striking out all between the words "situated," in the eighteenth line of article 3112, in the bill, and the word "for," in the twentieth line, and insert "or of the precinct in which such tenant resides." Adopted by the following vote:

YEAS—21.

Buchanan of Grimes	Houston,	Ross,
Buchanan of Wood,	Lair,	Shannon,
Burges,	Lightfoot,	Stewart,
Burton,	Martin of Navarro,	Stubbs,
Davenport,	Moore,	Terrell,
Gooch,	Powers,	Weatherred,
Hightower,	Rainey,	Wynne.

NAYS.

Cooper.

NOT VOTING—4.

Henderson, Patton, Swain.

Senator Hightower offered the following amendment: Strike out all after the word "entitled," in caption, and insert instead "An act to adopt and establish the Revised Civil Statutes of the State of Texas, passed by the Sixteenth Legislature of Texas, in A. D. 1879." Adopted by the following vote:

YEAS—24.

Buchanan of Grimes	Hightower,	Ross,
Buchanan of Wood,	Houston,	Shannon,
Burges,	Lair,	Stewart,
Burton,	Lightfoot,	Stubbs,
Cooper,	Martin of Navarro,	Swain,
Davenport,	Moore,	Terrell,
Gooch,	Powers,	Weatherred,
Henderson,	Rainey,	Wynne.

NAYS—none.

NOT VOTING—2.

Martin of Cooke, Patton.

Senator Wynne offered the following amendment: Amend by adding to section 1 the following:

Provided, That when a distress warrant shall be issued by any justice other than the justice of the peace of the precinct in which the rented premises may be situated or in which the defendant may reside, such warrant shall be made returnable to, and the affidavit and bond upon which it is issued shall be transmitted by the justice issuing such distress warrant to some justice of the precinct in which the rented premises may be situated or in which the defendant may reside.

Adopted by the following vote:

YEAS—21.

Buchanan of Grimes	Hightower,	Rainey,
Buchanan of Wood,	Houston,	Ross,
Burges,	Lair,	Shannon,
Cooper,	Lightfoot,	Stubbs,
Davenport,	Martin of Navarro,	Swain,
Gooch,	Moore,	Weatherred,
Henderson,	Powers,	Wynne.

NAYS—2.

Burton, Patton.

NOT VOTING—3.

Martin of Cooke, Stewart, Terrell.

Senator Burton offered the following amendment: "*Provided*, the property is a part of the products of such rented premises." The amendment was lost by the following vote:

YEAS—13.

Buchanan of Grimes	Lair,	Ross,
Burton,	Martin, of Navarro,	Shannon,
Cooper,	Patton,	Stubbs,
Gooch,	Powers,	Swain,
Henderson,		

NAYS—11.

Buchanan of Wood,	Houston,	Stewart,
Burges,	Lightfoot,	Weatherred,
Davenport,	Moore,	Wynne.
Hightower,	Rainey,	

NOT VOTING—2.

Martin of Cooke, Terrell.

The bill passed.

House bill No. 242, entitled "An act to amend article 4724, title 95, chapter 3, of the Revised Civil Statutes of the State of Texas, approved February 21, 1879, and to

provide for the payment of assessors and collectors of State and county taxes," was taken up as regular business on the Speaker's table and read third time.

Senator Martin of Navarro moved a call of the Senate. Call entertained.

Roll called; absent, Senator Martin of Cooke.

The absent member appearing, Senator Gooch moved to suspend the call. Carried.

The following message was received from his Excellency, the Governor:

THE STATE OF TEXAS, EXECUTIVE OFFICE, }
March 28, 1881.

To the Honorable Senate of the State of Texas:

I herewith submit to your honorable body for confirmation the names of persons for notaries public in the counties of Burnet, Lampasas, Williamson and Travis.

Also the following additional names to other list heretofore sent in

E. W. Bonner and E. L. Gregg, to succeed themselves, Cherokee county.

A. B. Hood and William H. Jenkins, new appointments, Burleson county.

R. T. Childs, new appointment, Erath county.

B. E. Green, new appointment, Montague county.

W. H. Palmer, to succeed John Dickinson, Harris county, Mr. Dickinson having declined to accept the appointment.

Respectfully submitted,

O. M. ROBERTS, Governor.

For the county of Burnet: E. J. Moses, C. C. Stewart and T. E. Hammond, to succeed themselves; Wm. Hotchkiss, Albert Geiske and A. A. Porter and Norton Moses, new appointments.

For the county of Lampasas: A. G. Walker and W. B. Abney, to succeed themselves; W. H. Hawkins, W. E. Adkins, S. W. Alexander, new appointments.

For the county of Williamson: L. M. Mays, Sidney Seymour, R. H. Price, S. C. Taylor and H. B. Shepard, to succeed themselves; J. H. Blanton, Charles Morelle, J. B. Wright, A. G. Gannaway, James H. Robertson, John Gano, W. Elliott, C. P. Vance, John Atkinson and John W. Posey, new appointments.

For the county of Travis: F. G. Morris, to succeed W. P. Gaines; Irving Eggleston, W. S. Hotchkiss, P. DeCordova, E. W. Shands, N. S. Walton, J. D. Sheeks, Osceola Archer, J. W. Lawrence, J. E. Rector, W. Von Rosenberg, F. Everett, D. G. Wooten, E. Summerville and Albert Brown, to succeed themselves; H. E. Shelley, to succeed J. D. Easton; A. M. Jackson, to succeed Z. T. Fulmore; Thad. Thompson, to succeed H. B. Barnhart; J. S. Myrick, to succeed J. R. Johnson; J. M. Thornton, to succeed himself.

Senator Gooch moved that the Senate consider the appointments embraced in the Governor's message just received, in its executive session to be held to-day. Unanimously adopted.

The hour having arrived (11:30 A. M.) the Senate went into executive session.

IN SENATE.

On motion of Senator Cooper, the secretary of the Senate was required to inform the Governor of the confirmations just made in executive session. Adopted.

It is also stated that all the notaries appointed and sent in by his Excellency the Governor, in his messages of Saturday and to-day, were confirmed by the Senate in executive session just held.

Senator Burton moved to postpone the pending business five minutes. Adopted, when the Senator offered the following resolution:

Be it resolved by the Senate of the State of Texas, That the election of President pro tem. of the Senate be postponed to the hour of 12 M., on Thursday, March 31, 1881.

Adopted.

House bill No. 242 pending, when the Senate went into executive session, was now resumed.

Senator Martin of Cooke, moved a call of the Senate on the bill. Call sustained.

Roll called; absent, Senators Davenport, Martin of Na-

varro, Ross and Terrell (who were on free conference committee.)

The pending bill went to the table.

House joint resolution No. 15, "Instructing our Senators and requesting our Representatives in Congress to procure the passage of a joint resolution by the Congress of the United States, authorizing the Secretary of War to loan to the Adjutant-General of the State of Texas, on his requisition, such camp and garrison equipage as may be needed by the State troops of Texas at their annual encampment," was taken up, read second time and passed to a third reading.

House bill No. 242 was again resumed.

Senator Gooch made the point of order that the Senate was under a call and the bill was not in order. Sustained.

An absent Senator returning, and the others absent being on free conference committee, the call was suspended, and the consideration of said House bill No. 242 resumed.

Senator Burton offered the following amendment: In section one of the bill, after article 4724, insert the following:

That article 4767 Revised Statutes shall hereafter read as follows: Art. 4767. The collector of taxes shall receive as compensation for his services five per cent on the first twenty thousand dollars of taxes collected by him for the State, and four per cent on all such taxes collected over that sum; for collecting the county tax three per cent on all such taxes collected by him; *provided*, that in counties owing subsidies to railroads the collector shall receive only one per cent for collecting such railroad tax; and in cases where property is levied on and sold for taxes, he shall receive the same compensation as is allowed by law to sheriffs or constables for making a levy and sale in similar cases, but in no case to include commissions on such sales.

Lost by the following vote:

YEAS—10.		
Burton, Cooper, Gooch, Houston,	Moore, Patton, Powers,	Rainey, Shannon, Stewart.
NAYS—15.		
Buchanan of Grimes, Buchanan of Wood, Burgess, Davenport, Henderson,	Hightower, Lair, Lightfoot, Martin of Cooke, Martin of Navarro,	Ross, Swain, Terrell, Weatherred, Wynne.
NOT VOTING.		
Stubbs.		

Senator Burton moved to postpone the bill until tomorrow. Lost, and bill lost by the following vote:

YEAS—10.		
Burgess, Burton, Lair, Lightfoot,	Martin of Cooke, Martin of Navarro, Powers,	Shannon, Swain, Terrell.
NAYS—15.		
Buchanan of Grimes, Buchanan of Wood, Cooper, Davenport, Gooch,	Henderson, Hightower, Houston, Moore, Patton,	Rainey, Ross, Stewart, Weatherred, Wynne.
NOT VOTING.		
Stubbs.		

Senator Henderson introduced a bill entitled "An act to prescribe the duties of railroads to the public, enforce their observance of appropriate penalties, and to appoint a State civil engineer, and to prescribe his duties in connection therewith." Read by caption and referred to the Committee on Internal Improvements.

Senator Terrell, chairman of the free conference committee, on the differences of the two houses on Senate bill No. 102 (the appropriation bill), submitted the following report:

COMMITTEE ROOM,
AUSTIN, March 28, 1881.

Hon. L. J. Storey, President of the Senate, and Hon. Geo. R. Reeves, Speaker of the House of Representatives:

Your committee on free conference, to whom were referred the differences between the two houses on Senate bill No. 102, have earnestly and carefully considered said differences, and we respectfully recommend the following in relation thereto, and most sincerely urge that the Senate and House concur in said recommendations.

Under the head of Executive Office, we recommend that the House recede from the first amendment, and that the following be adopted in lieu thereof:

"For the payment of rewards, and for paying attorneys for prosecuting offenders against the laws of this State, for representing the State in civil cases, and for necessary expenses of suits, to be under the control and paid upon warrants issued on certificates of the Governor," \$20,000, \$20,000.

We recommend the concurrence of the Senate in the second and third amendments.

STATE DEPARTMENT.

We recommend that the House recede from its first amendment under this head, and that the Senate concur in the second, third, fourth and fifth amendments; and we further recommend that the Senate and House concur in the following: "For defraying expense of advertising constitutional amendments to be submitted to the people before the meeting of the next Legislature, or so much thereof as may be necessary, \$20,000."

We recommend that the House recede from the sixth amendment.

TREASURY DEPARTMENT.

We recommend that the House recede from its first amendment, and that the Senate and House concur in fixing the salary of chief clerk at \$1800, \$1800.

We recommend that the Senate concur in the second, third, fourth and fifth amendments.

COMPTROLLER'S OFFICE.

We recommend that the House recede from its first amendment, and ask that the Senate and House concur in fixing the salary of chief clerk at \$1800, \$1800.

We recommend that the House recede from its second, third, fourth, fifth and sixth amendments, and ask the concurrence of the Senate and House in the following in lieu thereof:

For salary of 1 correspondence clerk.....	\$1,500	\$1,500
salary of 1 auditing clerk.....	1,500	1,500
salary of 1 bookkeeper.....	1,500	1,500
salary of 1 receiving clerk.....	1,500	1,500
salary of 1 deposit warrant clerk.....	1,200	1,200
salary of 1 tax clerk.....	1,500	1,500
salary of 1 tax sales clerk.....	1,500	1,500
salary of 1 back tax clerk.....	1,200	1,200
salary of 1 redemption clerk.....	1,200	1,200
salary of 1 examining clerk.....	1,200	1,200
salary of 1 warrant clerk.....	1,500	1,500
salary of 8 first assistant clerks.....	9,600	9,600
salary of assistant clerks at an average of \$75 per month.....	12,600	12,600

We recommend the concurrence of the Senate in the seventh amendment, and that under the head of contingent expenses, repairs, etc., the amount of \$500 in second column be stricken out.

LUNATIC ASYLUM.

We recommend that the Senate concur in the first, second, third, fourth, fifth, sixth and seventh amendments, and that the House recede from its eighth amendment, and that the Senate and House concur in the following in lieu of said eighth amendment:

For additional buildings.....\$100,000

We recommend that the Senate concur in the ninth, tenth, eleventh and twelfth amendments and also in the thirteenth amendment, with the word "quarterly" stricken out, and the word "monthly" inserted in lieu thereof.

LAND OFFICE.

We recommend that the Senate concur in the first, second, third and fourth amendments, and that the House recede from its fifth amendment, and ask that the Senate and House concur in striking out "2000" in each column and inserting in lieu thereof the sum of "\$2200, \$2200."

We also recommend that the House recede from its sixth amendment, and we ask that \$1000 be stricken out in each column, and in lieu thereof insert \$1100, \$1100.

We recommend that the Senate concur in the seventh amendment, and that the House recede from its eighth amendment, in striking out the word "eight," and that the Senate do concur in the ninth, tenth, eleventh and twelfth amendments.

Sig. 38.

BLIND ASYLUM.

We recommend that the House recede from its first amendment, and that the Senate concur in the second.

PENITENTIARY

We recommend that the House recede from its first amendment, and that the Senate concur in the second.

We recommend that the Senate concur in the first amendment, so far as it relates to the appropriation for completing improvements at the Rusk penitentiary, for water-supply, drainage and heating, \$35,000, and that the House recede from the second clause of said amendment, relating to the appropriation of \$65,000 for machinery and tools at the Rusk penitentiary; and we ask that the Senate and House concur in adopting the following, in lieu of said second clause: "For the improvement and security of the State penitentiaries, which amounts shall be expended under the control and direction of the State penitentiary board, the proceeds of the present lease, which expires January 1, 1883." And we further recommend that the Senate concur in the amendment appropriating for the resumption of the control of the penitentiaries by the State, \$40,000.

QUARANTINE.

We recommend that the Senate concur in the amendments under this head.

DEAF AND DUMB ASYLUM.

We recommend that the Senate concur in the first amendment, and that the House recede from the second amendment, in striking out "night watchman" and the salary fixed therefor, and that the Senate do then concur in said second amendment wherein it strikes out the words "driver and laborer," and the salary fixed thereto.

We recommend the concurrence of the Senate also in the third, fourth and fifth amendments.

ATTORNEY-GENERAL'S OFFICE.

We recommend the concurrence of the Senate in the first and second amendments, and that the House recede from its third amendment.

We recommend the concurrence of the Senate in the fourth and fifth amendments.

ADJUTANT GENERAL'S OFFICE.

We recommend the House to recede from its first amendment, and that the Senate concur in the second and third.

We recommend the House to recede from the fourth amendment, and ask the concurrence of the Senate and House in the following amounts to be appropriated: "For the protection of the frontier and the suppression of lawlessness and crime, to be expended under the direction of the Governor, \$80,000, \$60,000."

JUDICIARY DEPARTMENT.

We recommend that the Senate do concur in all the amendments under this head.

DEPARTMENT OF INSURANCE.

We recommend that the Senate do concur in all the amendments under this head.

EDUCATIONAL DEPARTMENT.

We recommend that the House do recede from its first amendment, and that the Senate and House do concur in the following in lieu thereof: "For salary of Secretary of Board of Education, to be appropriated out of the available school fund, \$2000, \$2000."

We recommend that the Senate do concur in the second amendment, and that the House do recede from the third and fourth. We also recommend that the Senate do concur in the fifth and sixth amendments; and in the seventh, we recommend striking out the word "six," and inserting in lieu thereof the word "four," and as amended, we ask the concurrence of the Senate and House therein.

MISCELLANEOUS.

We recommend that between the word "lands" and the word "and," in line 16, page 20, the following words be inserted: "And for removing obstructions;" and that after the word "lands," in line 23, page 20, the following words be added: "Each amount to be irrespective of former enactments."

We recommend that the Senate do concur in the first amendment striking out lines 25 and 26, page 20, and in the lines inserted therefor; and that the Senate do concur in all other amendments under the head of miscellaneous.

Respectfully submitted,

W. H. KING, Chairman.

SMITH of Titus,

B. F. FRYSHER,

J. W. DANIEL,

W. T. SCOTT,

House Committee.

A. W. TERRELL, Chairman,

MARION MARTIN,

L. S. ROSS,

J. H. DAVENPORT,

W. H. BURGESS,

Senate Committee.

A message was received from the House announcing the passage of Senate bill No. 290, "An act to provide for the protection of the title of the State to the university lands lying in McLennan and Hill counties."

Senate bill No. 200, "An act entitled 'an act to restore to and confer upon the county courts of Palo Pinto, Eastland, Stephens, Callahan, Taylor, Brazoria, Matagorda, Coleman and Camp counties the civil and criminal jurisdiction heretofore belonging to them under the Constitution and general statutes of the State, and to conform the jurisdiction of the district courts of said counties to such changes,' with an amendment by adding the county of Bowie.

Senate bill No. 198, entitled "An act to authorize the Governor, State Treasurer and Superintendent of the Penitentiary, to contract for conveying convicts from the counties where sentenced to the penitentiary," with amendments.

Senate bill No. 234, entitled "An act to amend certain articles of chapter 2, of title 78, of the Revised Civil Statutes, relating to the Agricultural and Mechanical College, with amendments.

That the House refuses to adopt Senate substitute for House bill No. 309, a bill to be entitled "An act to provide for the sale of the alternate sections of lands in this State surveyed by railroad companies and other works of internal improvement, and set apart for the common school fund, and of the university and asylum lands, and to provide for the investment of the proceeds," for the reason that to adopt the Senate substitute would violate section 30 of article 3, of the Constitution of the State of Texas.

That the House has adopted the report of the committee of free conference on the differences between the two houses on substitute for Senate bills Nos. 30 and 70, "An act to establish the Twelfth, Seventeenth, Twentieth and Thirty-third Judicial Districts, and to prescribe the time of holding courts in said districts, and in the Thirtieth District; to provide for the appointment of a district attorney in the Twentieth and a district judge in the Thirty-third Judicial District, and to provide for holding terms of the district court in certain counties now unorganized."

Senator Burges moved to take up Senate bill No. 198, with House amendments, an act entitled "An act to authorize the Governor, State Treasurer and Superintendent of the Penitentiary to contract for conveying convicts from the counties where sentenced to the penitentiary." Adopted.

On motion of Senator Gooch, the Senate concurred in the first House amendment.

On motion of Senator Burges, the Senate adopted the third House amendment.

On motion of Senator Swain, the Senate disagreed to the second and fourth House amendments.

A message was received from the House announcing the passage of House bill No. 130, "An act to amend section 10 of 'an act establishing the Tenth, Twelfth, Thirteenth, Twenty-eighth, Twenty-ninth and Thirtieth Judicial Districts, prescribing the time of holding the district courts therein, and providing for the appointment of district judges for the Twenty-eighth, Twenty-ninth and Thirtieth Judicial Districts,' approved February 22, 1879."

House bill No. 231, "An act to amend article 690, chapter 3 of the Penal Code of the State of Texas."

House bill No. 611, "An act to amend articles 1026 to 1032, inclusive, of chapter 5, title 26, and articles 1077 to 1082, inclusive, of chapter 15, title 26 of Revised Civil Statutes," etc.

And Senate bill No. 98, entitled "An act to establish the university of Texas," with House amendments.

Senator Stubbs, chairman free conference committee on Senate bill No. 149, submitted the following report:

COMMITTEE ROOM,
AUSTIN, March 28, 1881.

To the President of the Senate and Speaker of the House of Representatives:

Your committee on free conference, appointed to consider the matters of disagreement between the Senate and House on Senate bill No. 149, entitled "An act to amend sections 87, 96, 97, 98, 99, 127, 131 and 132, of 'an act to incorporate the city of Galveston, and to grant a new charter,' approved August 2, 1876," have considered the same, and beg leave to report as follows: Your committee recommend the adoption of the following in lieu of all contained in the proviso of section 7, so that said proviso at the end of said section shall read:

Provided, That of the bonds herein authorized to be issued, an amount not to exceed five hundred thousand dollars in face value may be sold at not less than eighty-five cents (85c) on the dollar; all the rest of said bonds, viz, \$800,000 in face value, shall not be sold at less than par.

J. B. STUBBS, Chairman,
JNO. YOUNG GOOCH,
WM. D. LAIR,
Senate Committee,
H. J. LABATT, Chairman,
B. RUSH PLUMLY,
House Committee.

I regret that I cannot concur in the report of the committee, particularly as all my colleagues have agreed to it. The limitation on the sales of these bonds to the amount of five hundred thousand dollars at a minimum of eighty-five cents on the dollar is a concession on the part of the friends of the bill, yet with this concession I am constrained to believe in view of the solvency, resources and future prospects of Galveston, that it is a bad policy to sell her five per cent. bonds at less than par.

GEO. P. FINLAY.

On motion of Senator Stubbs the report was adopted.

Senator Martin of Cooke entered a motion to reconsider the vote adopting the report of the free conference committee on Senate bill No. 35, with regard to hide and cattle inspection.

Senator Powers moved to take up the motion just entered. Adopted and the vote reconsidered.

On motion of Senator Houston, Senator Powers was permitted to withdraw the report of the free conference committee on Senate bill No. 35, for correction.

Senator Buchanan of Wood moved to take up Senate bill No. 98, entitled "An act to establish the university of Texas," and that the Senate concur in House amendment. Adopted.

On motion of Senator Davenport, the Senate adjourned until 3:30 o'clock P. M.

AFTERNOON SESSION.

Senate met pursuant to adjournment.

President in the chair.

Roll called; quorum present.

The President took up and referred the following House bills, to-wit: House bill No. 130, "An act to amend section 10 of 'an act establishing the Tenth, Twelfth, Thirteenth, Twenty-eighth, Twenty-ninth and Thirtieth Judicial Districts, prescribing the times of holding the district courts therein, etc.'" Referred to Committee on Judicial Districts.

House bill No. 231, "An act to amend article 690, chapter 3 of the Penal Code of the State of Texas." Referred to Judiciary Committee No. 2.

House bill No. 611, "An act to amend articles 1026, 1027, 1028, 1029, 1030, 1031 and 1032, of chapter 5, title 26, and articles 1077, 1078, 1079, 1080, 1081 and 1082, of chapter 15, of title 26, of the Revised Civil Statutes of the State of Texas, approved February 21, 1879." Referred to Committee on Public Printing.

Senate bill No. 288 (amending the school law) was taken

up as unfinished business, the fourteenth committee amendment pending on adjournment.

Senator Houston offered the following as a substitute for the fourteenth and fifteenth committee amendments: Amend by striking out article 3759, wherever it appears in the caption and the bill. Adopted as a substitute by the following vote:

YEAS—15.		
Burges,	Lair,	Ross,
Cooper,	Martin of Navarro,	Shannon,
Davenport,	Moore,	Stubbs,
Gooch,	Patton,	Swain,
Houston,	Powers,	Terrell.
NAYS—7.		
Buchanan of Wood,	Lightfoot,	Stewart,
Henderson,	Martin of Cooke,	Wynne.
Hightower,		
NOT VOTING—4		
Buchanan of Grimes	Rainey,	Weatherred.
Burton,		

The substitute of Senator Houston was then adopted as an amendment to the bill.

The sixteenth, seventeenth and eighteenth committee amendments were adopted.

Senator Cooper moved to reconsider the vote taken on Saturday striking out section 3752. Lost.

Senator Lightfoot offered the following amendment: Amend by adding the following:

Section 3. The fact that the present session of the Legislature is near its close, and it being necessary that some law should be enacted covering the points in this act, creates an imperative public necessity that the constitutional requiring this bill to be read on three several days be suspended; and its so suspended.

Adopted.

Senator Buchanan of Wood offered the following amendments: In section 1, line 4, strike out all after the word "follows." Adopted.

Also, amend by striking out the words "and repealing articles 3756 and 3758," so as to conform the caption to the amendment adopted. Adopted.

Senator Lair moved the previous question on the pending bill. The motion was seconded, the main question ordered and the bill ordered engrossed.

On motion of Senator Lightfoot, the constitutional rule was suspended and the bill placed on its third reading by the following vote:

YEAS—21.		
Buchanan of Wood,	Lair,	Ross,
Burges,	Lightfoot,	Shannon,
Davenport,	Martin of Cooke,	Stewart,
Gooch,	Martin of Navarro,	Stubbs,
Henderson,	Moore,	Swain,
Hightower,	Patton,	Terrell,
Houston,	Powers,	Wynne.
NAYS,		
Cooper.		
NOT VOTING—4		
Buchanan of Grimes	Rainey,	Weatherred.
Burton,		

The bill was read the third time and passed.

After reading the caption of House bill No. 535, "An act for the relief of C. C. Gibbs," the President signed the same.

A message was received from the House announcing the passage of House bill No. 74, "An act to amend article 4608, title 94, chapter 4, of the Revised Statutes of the State of Texas, to provide for preventing certain animals from running at large in certain counties and subdivisions," and that the House had adopted the report of the free conference committee on Senate bill 149 (amending the Galveston city charter).

The President took up and referred to the Committee on

Stock and Stockraising House bill No. 74, just received from the House.

Senator Davenport moved to take up Senate bill No. 200, with House amendments, and that the Senate concur in said amendments. Carried.

On motion of Senator Davenport, House bill No. 309, with Senate substitute, which the House refused to adopt, was taken up and referred to Committee on State Affairs.

Under the rules the roll was called.

Senator Henderson's name being first, he called up Senate bill No. 234, entitled "An act to amend certain articles of chapter 2, of title 78, of the Revised Civil Statutes," relating to the Agricultural and Mechanical College, and Senator Henderson moved that the Senate concur in the House amendments thereto. Carried.

Senator Houston called Senate bill No. 283, entitled "An act to amend 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,' passed March 17, 1879," by adding thereto article 1215a.

The bill was read the second time and the committee amendments adopted.

Senator Lightfoot offered the following amendment: Amend by adding the following:

Section 4. The fact that this session of the Legislature will soon expire, and the further fact that a number of State suits are now delayed because service cannot be obtained on defendants, presents such an emergency and imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect from its passage; and it is so enacted.

Adopted, and the bill order engrossed.

Senator Lightfoot moved to suspend the rule and place the bill on its third reading.

No quorum voting, Senator Lightfoot moved a call of the Senate. Call sustained.

Absent, Senators Buchanan of Grimes, Burges and Rainey.

A quorum being present, Senator Houston moved that the call be suspended. Adopted.

On motion of Senator Lightfoot, the rules were suspended and the bill put on its third reading, by the following vote:

YEAS—23.		
Buchanan of Wood,	Houston,	Ross,
Burges,	Lair,	Shannon,
Burton,	Lightfoot,	Stewart,
Cooper,	Martin of Cooke,	Stubbs,
Davenport,	Martin of Navarro,	Swain,
Gooch,	Moore,	Terrell,
Henderson,	Patton,	Wynne.
Hightower,	Powers,	
NAYS—none:		
NOT VOTING—3.		
Buchanan of Grimes	Rainey,	Weatherred,

Bill read third time and passed:

Senator Terrell, chairman of the Committee on Finance, submitted the following report:

COMMITTEE ROOM,
AUSTIN, March 28, 1881.

Hon. L. J. Storey, President of the Senate:

Your Finance Committee, to whom was referred House bill No. 272, entitled "An act to make an appropriation for the propagation and preservation of fish, and to build fish-ways and fish-ladders, and to authorize the Governor to appoint a fish commissioner, and to repeal all laws in conflict herewith," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass; believing that the benefits that will be conferred upon the State by the passage and operation of the law will more than compensate for the appropriation of \$5000 annually, as provided in the bill.

TERRELL, Chairman.

Read first time.

Senator Terrell's name having been passed in a former roll call, he was, under the rules, permitted to call up House

bill No. 272, entitled "An act to make an appropriation for the propagation and preservation of fish, and to build fish-ways and fish-ladders, and to authorize the Governor to appoint a fish commissioner, and to repeal all laws in conflict herewith."

Senator Terrell moved to suspend the rules and put the bill on second reading. Adopted by the following vote:

YEAS—22.

Buchanan of Wood,	Houston.	Powers,
Burges,	Lair,	Shannon
Burton,	Lightfoot,	Stewart;
Cooper,	Martin of Cooke,	Stubbs,
Davenport,	Martin of Navarro,	Swain,
Gooch,	Moore,	Terrell,
Henderson,	Patton,	Wynne.
Hightower,		

NAYS—none.

NOT VOTING—4.

Buchanan of Grimes Ross, Weatherred.
Rainey,

Bill read second time and passed to third reading.

A quorum not voting, Senator Gooch moved a call of the Senate. Call sustained.

Roll called; absent, Senators Buchanan of Grimes, Buchanan of Wood and Henderson.

Bill went to the table.

Senator Gooch being called, he asked to take up Senate bill No. 223, entitled "An act to regulate the appointment and define the duties of notaries public," and that the Senate disagree to House amendments to said bill. Adopted.

Senator Lair, chairman of the Committee on Private Land Claims, submitted the following report:

COMMITTEE ROOM,
AUSTIN, March 28, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Private Land Claims, to whom was referred House bill No. 170, "An act to validate donation land certificate to Joseph Floyd," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

LAIR, for Committee.

Bill read first time.

Senator Hightower's name having been passed, was next called, when he moved to take up House bill No. 170, entitled "An act to validate donation land certificate issued to Joseph Floyd."

Senator Lair moved to suspend the rules and put the bill on its second reading. Adopted by the following vote:

YEAS—23.

Buchanan of Wood,	Houston,	Rainey,
Burges,	Lair,	Ross,
Burton,	Lightfoot,	Stewart,
Cooper,	Martin of Cooke,	Stubbs,
Davenport,	Martin of Navarro,	Swain,
Gooch,	Moore,	Terrell,
Henderson,	Patton,	Wynne.
Hightower,	Powers,	

NAYS—none.

NOT VOTING—3.

Buchanan of Grimes, Shannon, Weatherred,

Bill read second time and passed to a third reading.

Senator Hightower moved to suspend the rules and put the bill on its third reading. Carried by the following vote:

YEAS—24.

Buchanan of Wood,	Houston,	Rainey,
Burges,	Lair,	Ross,
Burton,	Lightfoot,	Shannon,
Cooper,	Martin of Cooke,	Stewart,
Davenport,	Martin of Navarro,	Stubbs,
Gooch,	Moore,	Swain,
Henderson,	Patton,	Terrell,
Hightower,	Powers,	Wynne.

NAYS—none.

NOT VOTING—2.

Buchanan of Grimes, Weatherred.

Bill read third time and passed by the following vote:

YEAS—24.

Buchanan of Wood,	Houston,	Rainey,
Burges,	Lair,	Ross,
Burton,	Lightfoot,	Shannon,
Cooper,	Martin of Cooke,	Stewart,
Davenport,	Martin of Navarro,	Stubbs,
Gooch,	Moore,	Swain,
Henderson,	Patton,	Terrell,
Hightower,	Powers,	Wynne.

NAYS—none.

NOT VOTING—2.

Buchanan of Grimes, Weatherred,

On motion of Senator Henderson, the Senate adjourned until 9:30 A. M., to-morrow.

SIXTY-SIXTH DAY.

SENATE CHAMBER,
AUSTIN, March 29, 1881. }

Senate met pursuant to adjournment.

The President in the chair.

Roll called; quorum present.

Prayer by the Chaplain.

On motion of Senator Swain, the reading of the journal was dispensed with and the same adopted.

On motion of Senator Cooper, Senator Weatherred was excused, on account of sickness.

Senator Davenport for majority of Committee on Internal Improvements, made the following report:

COMMITTEE ROOM,
AUSTIN, March 28, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Internal Improvements, to whom was referred Senate bill No. 298, to be entitled "An act to prescribe the duties of railroads to the public, enforce their observance by appropriate penalties, and appoint a civil engineer and prescribe his duties in connection therewith," have partially considered the same.

A majority of your committee are of opinion that, though they fully recognize the fact that some legislation is necessary to place the railroads of the State under proper legal control and supervision, to the end that they may be compelled to comply with their duty to the public as common carriers, that the commerce of the State may not suffer from the effects of unjust and improper discriminations against persons and places, and that the lives of our citizens may be protected as much as possible from accidents occasioned by badly impaired roads and careless management, they do not believe at this late period of the session they can give the subject that careful and deliberate consideration that one of such importance demands. They therefore instruct me to report it back to the Senate and ask to be discharged from its farther consideration.

DAVENPORT, for majority of committee.

Senator Shannon submitted the following minority report:

COMMITTEE ROOM,
AUSTIN, March 29, 1881.

Hon. L. J. Storey, President of the Senate:

A minority of your Committee on Internal Improvements, which committee has had under consideration a bill entitled "An act to prescribe the duties of railroads to the public, enforce their observance by appropriate penalties, and to appoint a State civil engineer, and to define his duties," in presenting their differences with the majority of your committee beg leave to make the following report:

1. We believe that some legislation is necessary in regard to railroads in this State; the Constitution requires it, the best interest of the people demand it, and they have been looking forward anxiously to this body for some legislative relief on this subject.

2. The bill presented—in the main the Hutcheson railroad substitute bill, which has for some weeks past been before the House, and has been recently adopted in lieu of an original railroad bill, which was before that body—appears to us to contain features of substantial improvement in the right direction.

1. The first, second and third sections of the bill require railroad companies to keep their roads in proper repair, and to furnish transportation for all freights within a reasonable time after delivery, and